



**Town of Surfside
Town Commission Meeting
June 9, 2009 7:00 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154

MINUTES

The Town of Surfside Town Commission met Tuesday, June 9, 2009 at 7 p.m. in the Commission Chambers at Town Hall at 9293 Harding Avenue in Surfside.

1. Opening

A. Call to Order

The meeting was called to order at 7:05 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll and the following were present:
Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance.

D. Agenda and Order of Business

Commissioner Howard Weinberg requested that the presentation honoring Henri Levy be moved to be first of on the list of presentations.
Commissioner Steven Levine requested to add a report under Unfinished Business.
By consensus the amended agenda was accepted by the Mayor and Town Commission.

E. Special Presentations

Recognition of Henri Levy - Commissioner Howard Weinberg

Commissioner Howard Weinberg explained the historic nature of the contributions to the development of the Town of Surfside, North Miami Beach, and Normandy Isles that was made by Mr. Henri Levy. Commissioner Weinberg noted that recently the City of Miami Beach honored Mr. Levi.

Commissioner Howard Weinberg made a motion that the bridge to the Isle of Biscaya, the 88th Street Bridge, be named the Henri Levi Bridge and that the act of naming the bridge follow all of the criteria set forth in the current ordinance. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

In honor of his pioneering spirit and accomplishments, the Mayor, on behalf of the Town Commission presented the "Spirit of Surfside" award plaque to Ms. June Newbauer, the daughter of Henri and Rose Levy. Mayor Charles Burkett also presented a certificate naming the 88th Street Bridge as the Henri Levy Bridge. The Mayor declared June 9, 2009 as Henri and Rose Levy Day in the Town of Surfside and a certificate was presented.

Commissioner Howard Weinberg introduced Mr. Seth Bramson, a member of the Miami Beach Historical Society and author of a book on the Town of Surfside History. Commissioner Weinberg made a motion to name Seth Bramson to the Town of Surfside 75th Anniversary Committee as an honorary member. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

Officer of the Month – Chief David Allen

Chief David Allen presented the Officer of the Month award to Detective Frank Colonna for his outstanding service and accomplishments.

Introduction of Police Chaplain, Father Enrique Estrada – Chief David Allen

Chief David Allen introduced the graduates of the 5th Citizens Police Academy and congratulated them for their accomplishment and thanked them for their service.

Recognition of graduates of 5th Citizens Police Academy – Chief David Allen

Chief David Allen introduced Father Enrique Estrada, Pastor of St. Joseph's Church as the first Town of Surfside Police Chaplain.

Gabriel Coto Day, 2009 Exemplary Student - Vice Mayor Marc Imberman

Mayor Charles Burkett presented a proclamation naming May 20, 2009 as Gabriel Coto Day in honor of the 2009 Exemplary Student Award having been presented to Gabriel Coto on that date.

Special Recognition – Mayor Charles Burkett

Mayor Charles Burkett introduced the members of the Surfside Police Department in attendance and presented a proclamation to Chief David Allen for his outstanding performance and distinguished service as the Chief of Police for the Town of Surfside.

Legislative Report – Fausto Gomez

Town Lobbyist, Fausto Gomez gave a report to the Town Commission of the rewards and challenges of the 2009 Legislative Session and also gave insight into the 2010 Legislative Session.

2. Quasi-Judicial Hearings There were none.

3. Consent Agenda

A motion was made by Vice Mayor Marc Imberman to adopt the consent agenda. The motion received a second from Commissioner Elizabeth Calderon. Mayor Charles Burkett called for the vote and all were in favor.

A. Approval of the Minutes

1. May 5, 2009 – Special Commission Meeting
Adopted on Consent.

B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Director
Approved on Consent.

C. League of Cities Grant Acceptance – Tim Milian, Parks and Recreation Director

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, ACCEPTING A GRANT WITH THE FLORIDA MUNICIPAL INSURANCE TRUST (“FMIT”) FOR MATCHING FUNDS TO RESURFACE THE PARKS AND RECREATION COURTS AND SAFETY TRAINING FOR STAFF. Adopted on consent.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Amending Town Code – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY AMENDING CHAPTER 90 “ZONING,” ARTICLE II “ADMINISTRATION AND ENFORCEMENT,” DIVISION 2 “PLANNING AND ZONING BOARD” BY AMENDING SECTIONS 90-17 AND 90-18 TO ADD A FUNCTION TO THE DESIGN REVIEW BOARD; PROVIDING FOR “SEVERABILITY”; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to adopt the ordinance on second reading. The motion received a second from Commissioner Elizabeth Calderon. Town Attorney, Lynn Dannheisser explained the impact of the ordinance. There being no one wishing to speak, Mayor Charles Burkett asked Town Clerk, Debra Eastman to call the roll and all were in favor.

2. Community Center Referendum – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE ISSUANCE, SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR, OF GENERAL OBLIGATION INDEBTEDNESS IN AN AGGREGATE PRINCIPAL

AMOUNT NOT TO EXCEED \$9,000,000 FOR THE TOWN OF SURFSIDE, FLORIDA, FOR PROVIDING FUNDS TO FINANCE OR REFINANCE THE CONSTRUCTION AND IMPROVEMENT OF THE COMMUNITY CENTER, AQUATIC FACILITY, AND LIBRARY COMPLEX PROJECT, PAYABLE FROM THE FULL FAITH, CREDIT AND AD VALOREM TAXING POWER OF THE TOWN; PROVIDING FOR AND CALLING A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN TO BE HELD ON JULY 14, 2009; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to adopt the ordinance on second reading. The motion received a second from Commissioner Elizabeth Calderon. Mayor Charles Burkett opened the public hearing. Mark Blumstein spoke in favor of the Community Center project. A young lady spoke in favor of the Community Center. There being no one else wishing to speak, Mayor Charles Burkett closed the public hearing. Town Clerk, Debra Eastman called the roll and all were favor.

3. Mechanical Equipment Setback Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS 90.47 REQUIRING 5 FOOT SETBACKS FROM REAR AND SIDE YARDS TO ENSURE AND TO PROTECT TOWN RESIDENTS FROM ADDITIONAL NOISE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ALL CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Commissioner Steven Levine made a motion to adopt the ordinance on second reading. The motion received a second from Vice Mayor Marc Imberman. Mayor Charles Burkett opened the public hearing and there was no one wishing to speak. Mayor Charles Burkett closed the public hearing. Town Clerk, Debra Eastman called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

**1. Florida Power and Light - Franchise Renewal -
Martin Sherwood, Finance Director**

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF SURFSIDE, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Steven Levine. FPL representatives discussed the length and content of the agreement. Town Clerk, Debra Eastman called the roll and the motion failed 4-1 with Commissioner Steven Levine, Commissioner Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett voting in opposition.

2. Property Maintenance Standards Ordinance
Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE III PROPERTY MAINTENANCE STANDARDS SECTION 14-51 TO SECTION 14-53; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

3. Boat Storage – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90.65 OF THE ZONING CODE OF THE TOWN OF SURFSIDE RELATING TO BOATING STORAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Commissioner Steven Levine made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Karen Friedman of Calvin, Giordano Associates, Inc., Town Engineering firm, explained the changes in the ordinance and the public hearings previously held by the Planning and Zoning Board.

Howard Rennard spoke in opposition to the requirement to remove the boat from the Town in the case of a hurricane warning and in opposition to the requirement of boat covers. Luis Ramirez spoke about potential enforcement of the ordinance.

Commissioner Steven Levine amended his motion with the consent of the second to add "if" to section E, section F should read "colors should be complimentary" and to leave in section K.

Town Clerk, Debra Eastman called the roll and the amended motion passed 4-1 with Vice Mayor Marc Imberman in opposition.

Commissioner Steven Levine made a motion to extend the meeting beyond 11 p.m. in order to finish the agenda. The motion received a second from Vice Mayor Marc Imberman. Mayor Charles Burkett called for the vote and the motion passed 4-1 with Commissioner Elizabeth Calderon in opposition.

4. Portable Storage Units - Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90.53 OF THE ZONING CODE OF THE TOWN OF SURFSIDE RELATING TO PORTABLE STORAGE UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

5. Fences, Walls and Hedges – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; ARTICLE V "DESIGN STANDARDS"; SECTION 90.2 "DEFINITIONS" AND SECTION 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Paul Yarvis spoke about chain link fences. Town Clerk, Debra Eastman called the roll and all were in favor.

5. Resolutions and Proclamations

A. FDOT Contract – Stamped Asphalt Crosswalks – Fernando

Rodriguez, Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF STAMPED ASPHALT CROSSWALKS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Steven Levine. Director of Public Works, Fernando Rodriguez explained the agreement for the stamped asphalt crosswalks. Mayor Charles Burkett called for the vote and all were in favor.

B. Budget Amendment – Martin Sherwood, Finance Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR SEPTEMBER 30, 2008 TO SEPTEMBER 30, 2009; FOR THE PURPOSE OF AMENDING THE CURRENT YEAR'S BUDGET DOWNWARD; AND OTHER BUDGETARY ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDED SEPTEMBER 30, 2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Elizabeth Calderon. Director of Finance, Martin Sherwood explained that this is a downward budget adjustment. Mayor Charles Burkett called for the vote all were in favor.

6. Good and Welfare

Mayor Charles Burkett opened public comment. Marta Olchyk asked about the possible grant funding of the proposed Community Center project. Town Lobbyist, Fausto Gomez explained the possibility of some grant funding available for the green aspects of the project. Marta Olchyk asked about public records and requested assistance in trimming of weeds near the beach. Mayor Charles Burkett indicated that he will work with her on this project.

Edward Kopelman discussed the forwarding of absentee ballots by Miami-Dade County Elections.

Miami-Dade Fire Department Battalion Chief introduced himself and stated his intent to be available at meetings in the case of any concerns from the Town Commission and residents.

Richard Iacobbacci asked about the individual tax burden of the proposed Community Center project.

State Representative Richard Steinberg reported on the status of the red light camera legislation and the challenges to those who have implemented it. Representative Steinberg reaffirmed his commitment to assist the Town of Surfside with obtaining available state funding for the Community Center project.

7. Town Manager and Town Attorney Reports

Town Manager, Gary Word, reminded that there will be a Public Information Forum to allow the residents to ask questions and get information regarding the proposed Community Center Project on Thursday, June 11, 2009 from 4:30 p.m. to 8:30 p.m.

8. Unfinished Business and New Business

Commissioner Steven Levine stated the reason for his report had previously been discussed.

9. Mayor, Commission and Staff Communications

A. FPL –underground electrical grid – Mayor Charles Burkett

Aletha Player, representative of FPL stated that they provided the Town of Surfside with an estimate of roughly 6.9 million dollars to put the wires underground. There would be a 25% discount on that estimate. She also indicated that the project would include a cost to the individual property owners to provide the proper equipment and connect to the underground. The discount only applies if the whole Town participates. No action was taken.

B. Workshop on downtown development incentives – Commissioner Steven Levine

Commissioner Steven Levine reported on a downtown development referendum in a neighboring community. Commissioner Steven Levine suggested that the Town of Surfside Town Commission hold a workshop to discuss downtown development. It was agreed that the Town Manager would circulate dates to arrange for a workshop to discuss this.

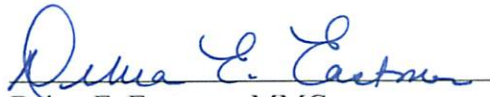
10. Adjournment

The meeting adjourned at 11:45 p.m.

Accepted this 15 day of July, 2009

Charles Burkett, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk